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Attorneys for Defendant
FEDEX KINKO'S OFFICE AND PRINT SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN WHITEWAY, individually and on-
behalf of all others similarly situated,

Plaintiffs,

vs.

FEDEX KINKO'S OFFICE AND PRINT
SERVICES, INC., and DOES 1 through 25,
inclusive,

Defendants.

Case No. C 05-02320 SBA

STIPULATED REQUEST FOR
MODIFICATION OF THE CUT-OFF
DATE FOR DISCOVERY MOTIONS AND
[PROPOSED ORDER]

Date Action Filed: May 19, 2005
Trial Date: September 10, 2007

This stipulation is entered into by and among Plaintiffs Stephen Whiteway ("Mr. Whiteway") and the Class and Defendant FedEx Kinko's and Print Service, Inc. ("FedEx Kinko's") through their respective attorneys of record.

WHEREAS on January 27, 2006, the Court issued its Order for Pretrial Preparation;

WHEREAS that Order sets forth that the parties "are responsible for scheduling discovery so that motions to resolve discovery disputes can be heard before the [December 15, 2006] discovery cut-off;"

WHEREAS on October 12, 2006, the Court signed the Stipulation Staying Class Discovery and Order, which stayed mutual class discovery as to the class but set forth mutual discovery would continue as to Mr. Whiteway's individual claim;

WHEREAS the parties are working diligently to resolve any outstanding discovery issues as

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1 to Mr. Whiteway's individual claim through the meet and confer process;

2 WHEREAS the parties wish to protect their interests in the event that not all of the
3 outstanding discovery issues can be resolved through the meet and confer process;

4 WHEREAS counsel for Plaintiffs is unavailable from December 20, 2006 through January 8,
5 2007 inclusive as set forth in the Notice of Unavailability filed with the Court November 30, 2006;

6 IT IS THEREFORE HEREBY STIPULATED by and among Plaintiffs and Defendant:

- 7 1. Any party wishing to notice a motion related to discovery on Plaintiff's individual claim will
8 file and notice that motion no later than February 17, 2007;
9 2. Any motion will be noticed pursuant to Judge Spero's Standing Order and the Local Rules;
10 3. At present, the parties believe the other deadlines set forth in the Order for Pretrial
11 Preparation can be met.

12 This stipulation is entered into without prejudice to any party's seeking further refinement or
13 modification as to the cut-off for discovery motions.

14 Dated: December 15, 2006

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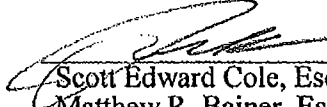
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16 By: 

Jonathan M. Cohen, Esq.
Krista M. Enns, Esq.

17
18 Attorneys for Defendant
19 FEDEX KINKO'S OFFICE AND PRINT
20 SERVICES, INC.

21
22 Dated: December 15, 2006

SCOTT COLE & ASSOCIATES, APC

23
24 
Scott Edward Cole, Esq.
Matthew R. Bainer, Esq.

25 Attorneys for Plaintiffs
26 STEPHEN WHITEWAY AND THE CLASS

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 18 2006


Hon. Sandra B. Armstrong
U.S. District Court Judge

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